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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: SUSTAINABLE USE AND CONSERVATION OF THE MARINE LIVING RESOURCES OF THE HIGH SEAS

Australia, Canada, Chile, Fiji, Grenada, Indonesia, Israel, Malaysia, Marshall Islands, Mauritania, New Zealand, Peru, Samoa, Singapore, Trinidad and Tobago, United States of America and Uruguay: draft resolution

# Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources

The General Assembly,

Reaffirming its resolutions 44/225 of 22 December 1989, 45/197 of 21 December 1990 and 46/215 of 20 December 1991, as well as its decisions 47/443 of 22 December 1992, 48/445 of 21 December 1993 and 49/436 of 19 December 1994, on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas,

Recalling its resolution 49/116 of 19 December 1994 on unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas,

Recalling also its resolution 49/118 of 19 December 1994 on fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Recognizing the efforts that international organizations and members of the international community have made to reduce by-catch and discards in fishing operations,

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Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's seas and oceans, consistent with the present resolution,

Noting that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1/ adopted by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, provides in its general principles that States shall minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, and further provides that States shall take measures, including the establishment of regulations, to ensure that vessels flying their flags do not conduct unauthorized fishing within areas under the national jurisdiction of other States,

Noting also that the Food and Agriculture Organization of the United Nations has adopted a Code of Conduct for Responsible Fisheries, which sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Expressing deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch is harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States,

Reaffirming the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in areas under their national jurisdiction, in accordance with international law as reflected in the United Nations Convention on the Law of the Sea,

Taking note of the reports of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, 2/ and unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, 3/

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1/ A/CONF.164/37; see also A/50/550, annex I.

2/ A/50/553.

3/ A/50/549.

Taking note also of the report of the Food and Agriculture Organization of the United Nations on fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources, 4/

Acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of resolution 46/215,

Expressing deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116,

1. Reaffirms the importance it attaches to compliance with its resolution 46/215, in particular to those provisions of the resolution calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas;

2. Urges all authorities of members of the international community to take greater enforcement responsibility to ensure full compliance with resolution 46/215, and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution;

3. Calls upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned; such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization;

4. Urges States, relevant international organizations, and regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, collect and exchange data and develop techniques to reduce by-catches, fish discards, and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

5. Calls upon development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations;

6. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant

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4/ A/50/552, annex.

intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, and invites them to provide the Secretary-General with information relevant to the implementation of the present resolution;

7. Also requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

8. Further requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements, and other relevant intergovernmental and non-governmental organizations;

9. Decides to include in the provisional agenda of its fifty-first session, under the item entitled "Law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources".

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